

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Anthony L. Mann,

Plaintiff,

vs.

Lt. C Failey, Maj. Sheronda Sutton,
Warden Robert Stevenson, III; Ass Warden
Larry Cartledge; Ass. Warden John
Barkley; Inv David Hurt, Valerie Whitaker,
Classification Mngr Macon, Donald
Sampson, M.D.; Robyn Elergy; E. Keitt,
James Harris, III; Capt Percy Jones, Capt.
Wilson, Lt Willie Simmons, Lt. T.
Johnson; Sgt. Belue; Sgt. Young, Sgt.
Herman Wright; Sgt. Keith Moore; Cpl.
Otis Daniels, Cpl. Vincent Manley; Cpl.
Smalls, Cpl. Ray, Ofc Murray; Ofc.
McNeal; Ofc. Cox, Christian Manganelli,
C. Cook,

Defendant.

C/A No. 0 11-2232-RMG-PJG

**NOTICE OF MOTION AND MOTION
FOR STATUS CONFERENCE**

TO: ANTHONY L. MANN, *PRO SE* PLAINTIFF:

YOU WILL PLEASE TAKE NOTICE that Defendants, by and through their undersigned attorneys, will bring the foregoing Motion for a hearing before the United States District Court Judge or their designee at such time and place as may be set by the Court of which you will be notified.

The Defendants now move the Court pursuant to Rule 16(a) of the Federal Rules of Civil Procedure for a Status Conference. The Defendants move on the following grounds:

1. On March 6, 2013, this Court granted Defendants' Motion for Summary Judgment (Dkt No. 185).

2. Plaintiff appealed this decision to the Fourth Circuit Court of the United States Court of Appeals (Dkt No. 188).

3. Following a decision by the Fourth Circuit to affirm in part and vacate in part the decision of this Court, the case was been remanded from the Fourth Circuit Court of Appeals to this Court (Dkt. No. 197).

4. The Fourth Circuit Opinion also noted it that the District Court may conduct further discovery if appropriate. The Opinion also noted the District Court had no occasion to assess the potential individual liability of the twenty-nine defendants and determine which defendants should be dismissed from the action based upon the final outcome of the court rulings and the allegations in the Complaint (Dkt. No. 196).

5. The case does not have a current scheduling order in place.

6. Discovery and trial preparation need to be completed by the parties, and additional time is needed to complete discovery and depositions need to be taken.

7. There is a need to establish guidelines for the completion of discovery, including the deposition of Plaintiff and witnesses. There are twenty-nine individuals named as defendants, none of whom who have been deposed (and many of whom may no longer be relevant). Plaintiff submitted the affidavits of nine inmates in support of his claims. A number of the witnesses in the case are either inmates who may no longer be under the custody of the SCDC, or are former employees of the SCDC who may need to be located and deposed. While all of these individuals may not need to be deposed, it is likely that a substantial portion will be deposed.

8. Finally, pursuant to the Fourth Circuit's Opinion, we respectfully seek clarification as to which defendants are relevant to the remanded causes of action and determine which defendants are no longer implicated by the remaining causes of action.

At this time, Defendants respectfully request a Status Conference to discuss these matters as well as a scheduling order. The Defendants would be happy to submit a proposed scheduling order, their recommendations as to which Defendants should no longer be in the case, and/or coordinate a status conference in court or by phone. Defendants are mailing a copy of this motion to the Plaintiff.

Respectfully submitted,

s/Richard E. Marsh, III

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Columbia, South Carolina
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